

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

MAY 17 2005

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,

Defendants.

**MATTHEW J. DYKMAN**  
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5  
Subfile No.: CHGA-002-0050

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

MIKE JACQUEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** Cordova/Martinez Ditch

**Location:** X= 1,481,451 feet Y= 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 10, Township 23N, Range 01E, N.M.P.M.

Pt. SE $\frac{1}{4}$	6.8 acres
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Section 11, Township 23N, Range 01E, N.M.P.M.

Pt. SW $\frac{1}{4}$	0.1 acres
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Section 15, Township 23N, Range 01E, N.M.P.M.

Pt. NE $\frac{1}{4}$	2.2 acres
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Total	9.1 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-002-0050

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** Cordova/Martinez Ditch

**Location:** X= 1,481,451 feet Y= 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 11, Township 23N, Range 01E, N.M.P.M.

Pt. SW $\frac{1}{4}$	0.5 acres
Total	0.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-002-0050

**Amount of Water:** NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.

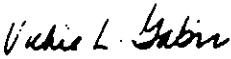
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.  
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

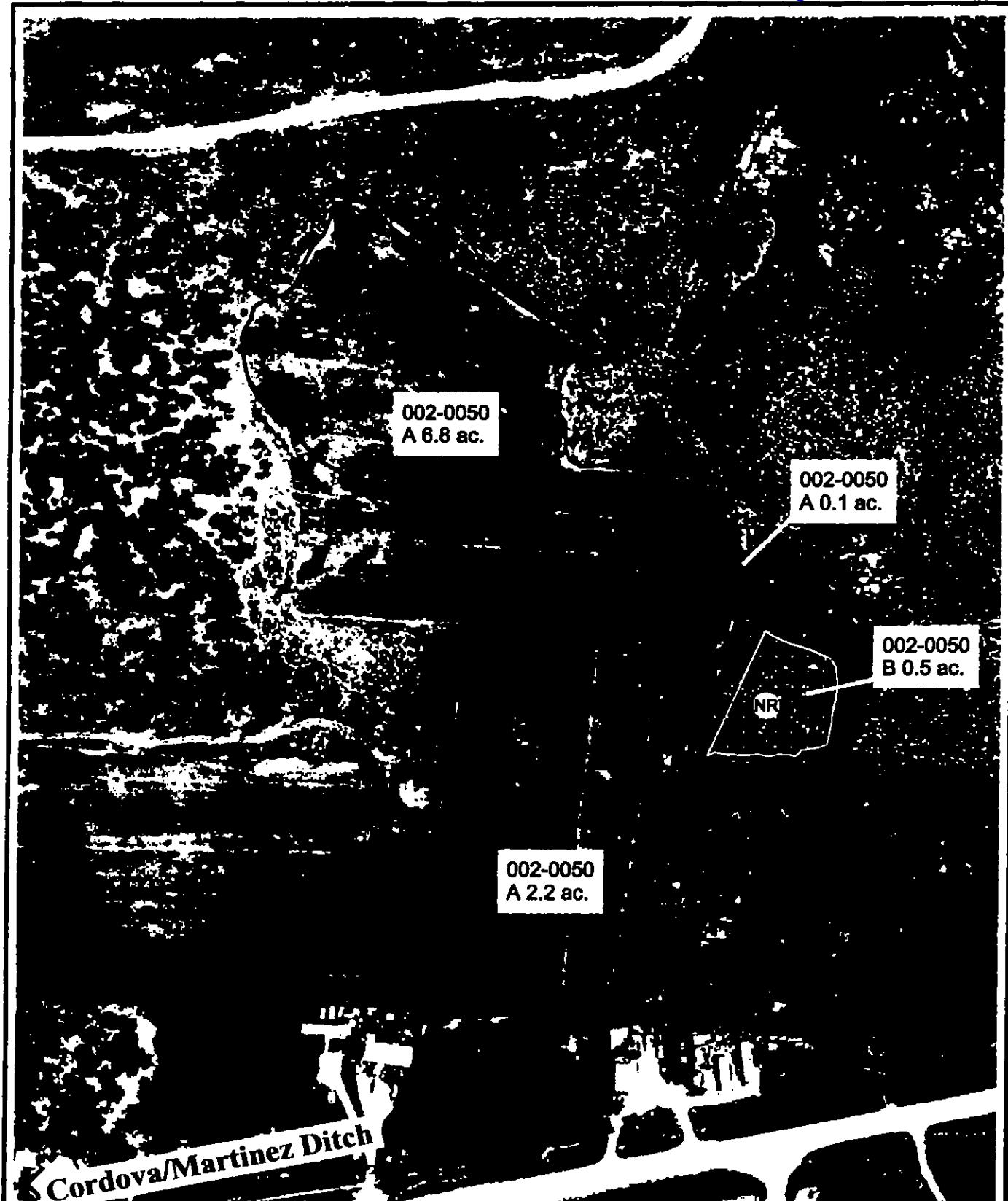


SPECIAL MASTER

ACCEPTED: Mike J. Acquez  
MIKE J. ACQUEZ  
ADDRESS: 906 N. Main Street  
Farmington  
NM 87401  
DATE: 3/13/05

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

3.16.05  
Date



<b>LEGEND</b> — Irrigated Tract Boundary No Right Tract Boundary ► Operable Ditch — Inoperable Ditch Stock Ponds / Reservoir Point of Diversion Fallow No Right	<b>Scale</b> 1 inch = 200 feet 	<b>N</b> STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer	<b>Subfile Number</b> CHGA-002-0050 Cordova/Martinez Ditch AMENDED Oct.12, 2001
<b>Rio Chama Hydrographic Survey</b> <b>RIO GALLINA SECTION</b>			